

ARKANSAS SUPREME COURT

No. CR 07-64

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered February 8, 2007

WILLIAM LENOX
A/K/A WILLIAM JOSEPH LENOX
Petitioner

PRO SE MOTION FOR BELATED
APPEAL [CIRCUIT COURT OF
CRAIGHEAD COUNTY, WESTERN
DISTRICT, CR 2002-339, HON.
CHARLES DAVID BURNETT, JUDGE]

v.

STATE OF ARKANSAS
Respondent

MOTION DENIED.

PER CURIAM

In 2003, William Lenox, who is also known as William Joseph Lenox, was convicted by a jury of first-degree murder and kidnapping and sentenced to 120 months' imprisonment. The Arkansas Court of Appeals affirmed. *Lenox v. State*, CACR 03-197 (Ark. App. May 19, 2004). Subsequently, petitioner timely filed a petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1. The trial court denied the petition in an order filed September 22, 2005.

Before us now is petitioner's *pro se* motion for belated appeal pursuant to Ark. R. App. P. – Crim. 2(e) of the denial of petitioner's Rule 37.1 petition. In the motion, petitioner argues the following basis for allowing a belated appeal:

Petitioner believes himself to be entitled to appellate review and a belated appeal through no fault of his own. For the filing of court order on appeal was never lodged. Proceeding was never returned where fore [sic] it must have gotten lost in the mail for the appeal was processed *pro se* [sic] and inmate assistance. Between Sept. 22 and Oct. 22nd, abstracted issues not addressed. Rule 37 petition and court order in *Lenox vs. State*, CR-02-339.

As with all matters before this court, if a petitioner who is proceeding *pro se* fails to follow correct procedural requirements, the burden lies with the petitioner to make a showing of good cause

for the failure to comply with proper procedure. *See Garner v. State*, 293 Ark. 309, 737 S.W.2d 637 (1987) (*per curiam*). The fact that a petitioner is proceeding *pro se* does not in itself constitute good cause for the failure to conform to the prevailing rules of procedure. *Walker v. State*, 283 Ark. 339, 676 S.W.2d 460 (1984) (*per curiam*); *see also Sullivan v. State*, 301 Ark. 352, 784 S.W.2d 155 (1990) (*per curiam*).

When proceeding *pro se*, this court has specifically held that it is not the responsibility of the circuit clerk, circuit court, or anyone other than the *petitioner* to perfect an appeal. *Sullivan, supra*. Petitioner has stated no good reason for failing to timely file his notice of appeal from the date the trial court's order denying petitioner's Rule 37.1 petition.

Motion denied.